

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS

J.A.V., et al.,

Petitioners–Plaintiffs,

v.

DONALD J. TRUMP, in his official capacity
as President of the United States, *et al.*,

Respondents–Defendants.

CIVIL ACTION NO. 1:25-cv-0072

**Declaration of Daniel A. Galindo in
Support of Petitioners-Plaintiffs’
Motion for Class Certification**

**DECLARATION OF DANIEL A. GALINDO
IN SUPPORT OF PETITIONERS-PLAINTIFFS’
MOTION FOR CLASS CERTIFICATION**

I, Daniel A. Galindo, hereby declare:

1. I am an attorney at the American Civil Liberties Union Foundation (“ACLU”) Immigrants’ Rights Project, and I am co-counsel for Petitioners in this case. I make this declaration to describe my qualifications and those of one of my ACLU colleagues, Lee Gelernt, as well as my colleagues at the American Civil Liberties Union of Texas (“ACLU of Texas”).
2. I am Senior Staff Attorney at the ACLU Immigrants’ Rights Project, where I have worked since 2018. My experience includes immigrants’ rights litigation in federal and state courts, and criminal defense in state courts.
3. I graduated from Stanford Law School in 2012, then clerked for Judge David O. Carter of the U.S. District Court for the Central District of California and Judge Kermit V. Lipez of the U.S. Court of Appeals for the First Circuit. I am a member of the New York and California bars and am admitted to practice at the Supreme Court, the U.S. Court of Appeals for the Ninth Circuit, and the U.S. District Courts for the Southern District of Texas, the Southern and Northern Districts of California, the Southern District of New York, and the District of Columbia. Prior to working at the ACLU, I was a public defender at the Neighborhood Defender Service of Harlem.
4. I have served as counsel in immigrants’ rights cases before the Supreme Court, the U.S. Courts of Appeals for the Ninth, and D.C. Circuits, and in numerous district courts around the country, as well as state courts. Examples include: *Dep’t of State v. Muñoz*, 144 S. Ct. 1812 (2024) (amicus counsel of record) (addressing constitutional interests of a U.S. citizen the denial of a visa to her spouse); *Ramon v. Short*, 2020 MT 69, 399 Mont. 254, 460 P.3d 867 (argued) (no authority under state law for state officers to hold people on ICE immigration detainers); *Innovation L. Lab v. Wolf*, 951 F.3d 986, 987 (9th Cir. 2020) (granting in part and denying in part stay of preliminary injunction against government immigration policy known as “Migration Protection Protocols”), vacated as

moot by 5 F.4th 1099 (9th Cir. 2021); *A.I.I.L. v. Sessions*, 19-cv-00481-JAS (D. Az. filed Oct. 3, 2019) (damages action on behalf of separated immigrant families). My cases as class counsel include *Ms. L. v. ICE* (involving the Trump administration's family separation practice), *P.J.E.S. by & through Escobar Francisco v. Wolf*, F. Supp. 3d 492 (D.D.C. 2020) (granting preliminary injunction against policy blocking unaccompanied minors' access to asylum, injunction later stayed and vacated as moot after government withdrawal of policy) and *Huisha-Huisha v. Mayorkas*, 27 F.4th 718, 721 (D.C. Cir. 2022) (upholding in part order enjoining policy of banning asylum seekers from United States based on COVID-19; injunction later vacated after government end of policy).

Lee Gelernt

5. Lee Gelernt has been an attorney with the American Civil Liberties Union since 1992. He currently holds the positions of Deputy Director of the ACLU's national Immigrants' Rights Project, and Director of the Project's Program on Access to the Courts. Mr. Gelernt graduated from Columbia Law School in 1988.
6. Mr. Gelernt is a member of the New York bar, and he is admitted to practice in the U.S. Supreme Court, the U.S. Courts of Appeals for the First, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Tenth and Eleventh Circuits, and the U.S. District Courts for the Eastern District of New York and the Eastern District of Michigan. He has argued dozens of notable immigrants' rights cases at all levels of the federal court system, including in the U.S. Supreme Court, the U.S. Courts of Appeals for the First, Second, Third, Fourth, Fifth, Sixth, Eighth, Ninth, and Eleventh Circuits, and in numerous district courts around the country.
7. Mr. Gelernt has served as lead counsel, or argued in, many class action immigration cases, including recently *Ms. L. v. ICE* (involving the Trump administration's family separation practice), and in a series of cases involving classes of long-term U.S. residents subject to deportation to countries where they feared death, persecution, or other harms. *See Hamama v. Adducci*, 258 F. Supp. 3d 828, (E.D. Mich. 2017), *vacated and remanded by* 912 F.3d 869 (6th Cir. 2018); *Devitri v. Cronen*, 290 F. Supp. 3d 86 (D. Mass. 2017); *Ibrahim v. Acosta*, No. 17-CV-24574, 2018 WL 582520 (S.D. Fla. Jan. 26, 2018); *Nak Kim Chhoeun v. Marin*, No. 17-CV-01898, 2018 WL 571503 (C.D. Cal. Jan. 25, 2018); *see also P.J.E.S. v. Wolf*, 502 F. Supp. 3d 492 (D.D.C. 2020); and *Huisha-Huisa v. Mayorkas*, 560 F. Supp. 3d 146 (D.D.C. 2021).
8. Mr. Gelernt is also lead counsel in numerous systemic cases challenging the federal government's efforts to restrict noncitizens from accessing asylum. *See, e.g., East Bay Sanctuary Covenant v. Barr*, 964 F.3d 832 (9th Cir. 2020) (affirming injunction of bar on asylum for individuals who transit through third country); *Capital Area Immigrants' Rights Coal. v. Trump*, 471 F. Supp 3d 25 (D.D.C. 2020) (vacating same bar); *East Bay Sanctuary Covenant v. Trump*, 950 F.3d 1242 (9th Cir. 2020) (affirming injunction of ban of asylum for noncitizens entering between ports of entry); *East Bay Sanctuary Covenant v. Trump*, 932 F.3d 742 (9th Cir. 2018) (denying stay of same injunction), *stay denied*, 586 U.S. 1062 (2018); *M.A. v. Mayorkas*, No. 23-CV-1843 (D.D.C. filed June 23, 2023); *Las Ams. Immigration Advoc. Ctr. v. Dep't of Homeland Sec.*, No. 24-CV-1702 (D.D.C. filed June 12, 2024).
9. Mr. Gelernt has also testified as an expert before both the U.S.

Senate and House of Representatives on immigration issues. He served as a law clerk to the Honorable Frank M. Coffin, formerly of the First Circuit Court of Appeals. In addition to his work at the ACLU, Mr. Gelernt is an adjunct professor at Columbia Law School, and for many years taught at Yale Law School as an adjunct.

ACLU of Texas

9. Adriana Pinon is the legal director of the ACLU of Texas. She is a 2007 graduate of Columbia Law School and has exclusively litigated civil rights and civil liberties matter, including matters involving immigrants' rights and criminal justice matters, in her career. Ms. Pinon has previously served as class counsel in *Booth v. Galveston County*, No. 18-cv-0104 (S.D. Tex.) (concerning deprivation of counsel at first appearance and unconstitutional bail practices) and several other litigations where class certification has been or is being sought, including *Sanchez et al. v. Dallas County Sheriff et al.*, No. 3:20-cv-00832 (N.D. Tex.) (filed in 2020; concerning health conditions at Dallas County Jail) where class certification was sought, and most recently in *Johnson v Travis County*, No. 1:24-cv-0386 (W.D. Tex.) (concerning the appointment of counsel at first appearance in criminal proceedings in Travis County) and *Rivera Castelan et al. V. Villareal et al.*, No. 5:23-CV-1394 (W.D. Tex.) (concerning civil rights violations in Texas' Operation Lone Star program).
10. Savannah Kumar is a staff attorney at the ACLU of Texas where she has worked since 2020. She is a 2020 graduate of the University of Texas at Austin School of Law. Ms. Kumar focuses on federal and state litigation concerning constitutional rights and cases specifically focused on detention. Ms. Kumar has served as counsel in *Sanchez et al. v. Dallas County Sheriff et al.*, No. 3:20-cv-00832 (N.D. Tex.) (filed in 2020; concerning health conditions at Dallas County Jail), where class certification was sought. Ms. Kumar is currently counsel in *Johnson v. Travis County*, No. 1:24-cv-00386 (W.D. Tex.) (concerning the deprivation of counsel at first appearance in criminal proceedings in Travis County) in which a motion for class certification is pending, as well as *Rivera Castelan et al. v. Villareal et al.*, No. 5:23-CV-1394 (W.D. Tex.) (concerning civil rights violations in Texas' Operation Lone Star program).
11. Thomas Buser-Clancy is a senior staff attorney at the ACLU of Texas where he has worked since 2018. He is a 2011 graduate of Yale Law School. Mr. Buser-Clancy has extensive experience in litigating cases concerning constitutional rights and cases specifically focused on immigration laws and rights, including *Grace v. Barr*, 965 F.3d 883 (D.C. Cir. 2020); *Las Americas Immigrant Advocacy Ctr. v. Wolf*, No. 19-CV-3640 (KBJ), 2020 WL 7319297 (D.D.C. July 8, 2020). Mr. Buser-Clancy is currently counsel in *Johnson v. Travis County*, No. 24-cv-0386 (W.D. Tex.) (concerning the deprivation of counsel at first appearance in criminal proceedings in Travis County).

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed in Washington, DC.

Dated: April 9, 2025

/s/ Daniel A. Galindo
DANIEL A. GALINDO